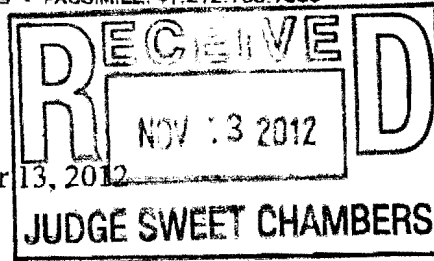


## JONES DAY

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625065-999001

November 13, 2012

Via Fax (212) 805-7925

The Honorable Robert W. Sweet  
 United States District Judge  
 United States Courthouse  
 500 Pearl Street  
 New York, New York 10007-1312

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #:  
 DATE FILED: 11/15/12

Re: Association for Molecular Pathology, et al. v. U.S. Patent and  
Trademark Office, et al., Civil Action No. 09-4515 (RWS)

Dear Judge Sweet:

On September 17, 2012, Myriad Genetics and the other defendants in the above-named case filed a bill of costs with the Court, seeking costs awarded by the United States Court of Appeals for the Federal Circuit in its judgment issued August 16, 2012. Counsel for defendants were subsequently informed by the Clerk's Office that the filing was premature because the Federal Circuit has not yet issued its mandate. Accordingly, defendants requested that their bill of costs be temporarily held in abeyance until the mandate issued. This Court granted defendants' request on September 26, 2012. *See* Dkt. No. 268.

On November 9, 2012, defendants attempted to resubmit their bill of costs, given that the Federal Circuit had issued its mandate on October 12, 2012. Defendants also filed a consent request for a stay of the taxation of costs until plaintiffs' pending petition for certiorari is acted upon. *See* Dkt. No. 269. Counsel for defendants were informed, however, that the mandate has not yet been received by this Court or entered on its docket, and therefore defendants' bill of costs was again premature.

By this letter, and for the sake of clarity, defendants hereby inform the Court of these events and request that the time for submitting their bill of costs be extended until a reasonable period after the Court receives and enters on its docket the Federal Circuit's mandate—*i.e.*, within two weeks of the mandate's entry on this Court's docket. At that time, defendants will file their bill of costs and renew their consent request to stay the taxation of costs until plaintiffs' petition is decided.

*Suggested  
 Sweet TUSOJ  
 11-14-12*

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**JONES DAY**

The Honorable Robert W. Sweet  
November 13, 2012  
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Respectfully,

A handwritten signature in black ink, appearing to read "Brian M. Poissant". The signature is fluid and cursive, with a large, stylized "B" and "P".

Brian M. Poissant

cc (via e-mail):  
Plaintiffs' Counsel of Record